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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STARLA BRAHAM,

Plaintiff,

NO. CV-10-385-EFS

vs.

AUTOMATED ACCOUNTS, INC., a
Washington Corporation, and
MICHELLE DOE and JOHN DOE,
husband and wife, and the marital
community comprised thereof,

ANSWER TO COMPLAINT
BY DEFENDANT
MICHELLE BULL

Defendants.

COMES NOW the above-named Defendant, Michelle Bull, a single person, by
and through her attorney, the undersigned, and does herein answer the Complaint of
the Plaintiff as follows:

1. Defendant Michelle Bull admits that the above-entitled court has
jurisdiction and therefore admits to paragraph 1 of Plaintiff's Complaint.

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1 2. Defendant Michelle Bull denies each and every allegation paragraph 2 of
2 Plaintiff's complaint and affirmatively asserts that all material times hereto no
3 violation of the Fair Debt Collection Practices Act 15 U.S.C. § 1692 has been
4 committed Michelle Bull, or to her knowledge, by Automated Accounts, Inc. or its
5 agents and employees and that no improper or illegal effort to collect a consumer debt
6 has occurred.

8 3. Defendant Michelle Bull admits the venue in the above-entitled court is
9 proper and therefore admits the allegations stated in paragraph 3 of Plaintiff's
10 Complaint.

12 4. Defendant Michelle Bull admits the allegations contained in paragraph 4
13 of Plaintiff's Complaint.

15 5. Defendant Michelle Bull admits the allegations contained in paragraph 5
16 of Plaintiff's Complaint.

18 6. Michelle Bull admits to the allegations contained in paragraph 6 of
19 Plaintiff's complaint.

20 7. Defendant Michelle Bull is unable to ascertain which "financial
21 obligation" Plaintiff refers to, and thus, lacking insufficient information, must deny
22 all allegations contained in paragraph 7 of Plaintiff's complaint. However, Defendant
23 Automated Accounts, Inc. was assigned two accounts for collection debts owed by

1 Starla Braham and/or Larry Braham, husband and wife, and that all times material
2 hereto properly and lawfully pursued collection of the assigned accounts. Except as
3 admitted herein Defendant Michelle Bull denies the allegations contained in
4 Paragraph 7 of Plaintiff's Complaint.

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6 8. Defendant Michelle Bull denies each and every allegation contained in
7 paragraph 8 of Plaintiff's Complaint. Plaintiff affirmatively agreed that she owed the
8 two debts assigned to Defendant Automated Accounts, Inc. for collection and
9 admitted liability for each account and Plaintiff agreed to and made payments on the
10 obligations assigned to Automated Accounts, Inc.. Plaintiff's conduct and payments
11 to Michelle Bull constituted an acknowledgement of responsibility for the debt
12 assigned to Defendant Automated Accounts, Inc.

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14 9. Defendant Michelle Bull is without information to know specifically which
15 "debt" the Plaintiff is referring to and is not familiar with the term "consigned" as
16 stated by Plaintiff in paragraph 9 of Plaintiff's Complaint and Defendant Michelle
17 Bull denies each and every allegation contained therein. However, two debts owed
18 by Plaintiff were assigned to Defendant Automated Accounts, Inc. for collection
19 against Plaintiff. Defendant Michelle Bull is not familiar with the use of the term
20 "consigned" and therefore cannot respond without further information. Except as
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1 stated herein, Defendant Michelle Bull denies each and every allegation contained in
2 paragraph 9 of Plaintiff's Complaint

3 10. Defendant Michelle Bull admits the allegations contained in paragraph
4 10 of Plaintiff's Complaint. Affirmatively, Defendant Automated Accounts, Inc. per
5 Michelle Bull did not use the credit card for payment unless each payment was
6 previously authorized to Michelle Bull by Plaintiff.

7 11. Defendant Michelle Bull denies each and every allegation contained in
8 paragraph 11 of Plaintiff's Complaint. Plaintiff statement in her complaint paragraph
9 11 is not consistent with Plaintiff's statements to Michelle Bull, an employee of
10 Automated Accounts.

11 12. Defendant Michelle Bull admits that Plaintiff called Defendant Michelle
12 Bull and authorized Michelle Bull to use her credit card for the purpose of making the
13 agreed October 2009 payment of \$200 on the account. The payment was declined due
14 to insufficient funds. Thus, no payment occurred. Except as otherwise admitted
15 herein, Defendant Michelle Bull denies each and every allegation contained in
16 paragraph 12 of Plaintiff's Complaint.

17 13. Defendant Michelle Bull denies the allegations contained in Paragraph
18 13 of Plaintiff's complaint. The contact by Michelle Bull was for the purpose of
19 getting the October payment made by Plaintiff.

1 14. Defendant Michelle Bull admits the allegations contained in paragraph
2 14 of Plaintiff's Complaint.

3 15. Defendant Michelle Bull denies each and every allegation contained in
4 paragraph 15 of Plaintiff's Complaint.

5 16. Defendant Michelle Bull denies each and every allegation contained in
6 paragraph 16 of Plaintiff's Complaint.

7 17. Defendant Michelle Bull admits the allegations contained in paragraph
8 17 of Plaintiff's Complaint.

9 18. Defendant Michelle Bull admits the allegations contained in paragraph
10 18 of Plaintiff's Complaint.

11 19. Defendant Michelle Bull admits that a garnishment is not proper until
12 after a judgment is obtained. Except as stated, Defendant Michelle Bull denies the
13 allegations contained in paragraph 19 of Plaintiff's Complaint. Michelle Bull did not
14 at any time make any statement or give any implication to Plaintiff that a garnishment
15 would occur prior to the institution of legal process or prior to obtaining a judgment.
16 Defendant Michelle Bull informed Plaintiff that because of not making her agreed
17 monthly payment, Michelle Bull would refer the debts assigned to Automated
18 Accounts for legal process. It was the Plaintiff that initiated the subject of
19 garnishment upon learning of the intended referral for legal process and inquired of
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1 the Defendant Michelle Bull if her wages would be garnished. In response thereto
2 Michelle Bull informed Plaintiff that garnishment is a part of the legal process. That
3 Plaintiff was at all material times hereto fully aware that a garnishment could not and
4 would not be instituted prior to Defendant first having obtained a Judgment against
5 Plaintiff.

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7 20. Defendant Michelle Bull admits the allegations contained in paragraph
8 20 of Plaintiff's Complaint.

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10 21. Defendant Michelle Bull denies each and every allegation contained in
11 paragraph 21 of Plaintiff's Complaint.

12 22. Defendant Michelle Bull denies each and every allegation contained in
13 paragraph 22 of Plaintiff's Complaint.

14 23. Defendant Michelle Bull denies each and every allegation contained in
15 paragraph 23 of Plaintiff's Complaint.

16 24. Defendant Michelle Bull denies each and every allegation contained in
17 paragraph 24 of Plaintiff's Complaint.

18 25. Defendant Michelle Bull denies each and every allegation contained in
19 paragraph 25 of Plaintiff's Complaint.

1 26. Defendant Michelle Bull denies each and every allegation contained in
2 paragraph 26 of Plaintiff's Complaint, but admits that Michelle Bull was at all times
3 material hereto an employee of Defendant Automated Accounts, Inc.

4 27. Defendant Michelle Bull denies each and every allegation contained in
5 paragraph 27 of Plaintiff's Complaint, but admits that Michelle Bull was/is for all
6 material times hereto an employee of Defendant Automated Accounts, Inc. and that
7 Michelle Bull was/is authorized by Automated Accounts, Inc. to collect consumer
8 debts on behalf of Defendant Automated Accounts, Inc..
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10 28. Defendant Michelle Bull denies each and every allegation contained in
11 paragraph 28 of Plaintiff's Complaint.
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13 29. Defendant Michelle Bull denies each and every allegation contained in
14 paragraph 29 of Plaintiff's Complaint.
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16 30. Defendant Michelle Bull admits that pursuant to law, Plaintiff is entitled
17 to demand a trial by jury under the Fair Debt Collection Practices Act.
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19 31. Defendant Michelle Bull denies each and every allegation contained in
20 paragraph 31 of Plaintiff's Complaint.
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22 32. Defendant Michelle Bull denies each and every allegation contained in
23 paragraph 32 of Plaintiff's Complaint.
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1 33. Defendant Michelle Bull denies each and every allegation contained in
2 paragraph 33 of Plaintiff's Complaint.

3 34. Plaintiff has instituted the aforementioned lawsuit against Defendant
4 Michelle Bull and the same is groundless and unfounded. Defendant Michelle Bull
5 believes that said lawsuit has been instituted without good faith and without probable
6 cause and with the intent to harass or otherwise adversely affect Michelle Bull all
7 contrary to and violates the provisions of 15 USC 813 (a) (3). That as a direct and
8 proximate result of instituting and making Michelle Bull a party to the claims as
9 stated in Plaintiff's complaint, Michelle Bull has sustained and suffered may continue
10 to sustain and suffer emotional and personal distress, anxiety, fear of reprisal by
11 Plaintiff or other persons acting on behalf of Plaintiff, loss of sleep, anxiety and
12 concern over financial security, loss of self esteem between Michelle Bull and her
13 fellow employees at Automated Accounts, Inc. causing undue and unwarranted stress
14 at work, all causing Michelle Bull to suffer substantial damages in substantial sums to
15 be determined at trial.

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17 WHEREFORE, Defendant Michelle Bull prays that the judgment be entered
18 against the above-named Plaintiff as follows:
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1. That all of the claims of the Plaintiff as stated in Plaintiff's Complaint be
2 dismissed with prejudice and that the Plaintiff recover no statutory or general
3 damages or attorney's fees and costs; and

4. 2. That the Defendant Michelle Bull have judgment over and against the
5 above-named Plaintiff for reasonable attorney's fees, costs and other general and
6 special damages as may be proven at the time of trial, all in substantial amounts
7 against the Plaintiff; and

8. 3. For such other and further relief as the court may deem just and
9 equitable in the cause.

10. DATED this 21st day of January, 2011.

11. s/ Thomas M. Smith
12. Thomas M. Smith, WSBA #0687
13. Attorney for Michelle Bull

14. CERTIFICATE OF SERVICE

15. I hereby certify that on the 21st day of January, 2011, I electronically filed the foregoing
16. with the Clerk of Court using the CM/ECF system which will send notification of such filing to the
17. following:

18. Kirk D. Miller: kmiller@millerlawspokane.com

19. and I hereby certify that I have mailed by United States Postal Service the document to the
20. following non-CM\ECF participant: n/a

21. /s/ Thomas M. Smith

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